

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THE BOARD OF TRUSTEES, in their  
capacities as Trustees of the CEMENT  
MASONS HEALTH AND WELFARE TRUST  
FUND FOR NORTHERN CALIFORNIA,  
CEMENT MASONS PENSION TRUST FUND  
FOR NORTHERN CALIFORNIA, CEMENT  
MASONS VACATION/HOLIDAY TRUST  
FUND FOR NORTHERN CALIFORNIA  
CEMENT MASONS APPRENTICESHIP AND  
TRAINING TRUST FUND FOR NORTHERN  
CALIFORNIA,

No. CV- 13-2639 MMC

**JUDGMENT IN A CIVIL CASE**

Plaintiffs,

v.

AAP CONCRETE, INC.,

Defendant.

**( ) Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

**(X) Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

**IT IS SO ORDERED AND ADJUDGED**

1. To the extent the motion seeks an order compelling defendant to submit to an audit of its records for the period January 1, 2011 through the date of the audit and that the Court retain jurisdiction over the matter to enforce such order the motion is GRANTED. Specifically, defendant is hereby ORDERED to submit to an audit, by auditors selected by plaintiffs, at defendant's premises during business hours, or where the records are kept, at a reasonable time or times, and to allow said auditors to examine and copy such

1 books, records, papers, and reports of AAP Concrete, Inc., that are relevant to the  
2 enforcement of the collective bargaining agreement or trust agreements, including but not  
3 limited to the following:

4 Individual earning records (compensation); W-2 forms; 1096 and 1099 forms;  
5 reporting forms for all plaintiff trust funds; state DE-3 tax reports; workers  
6 compensation insurance report; employee time cards; payroll journal; quarterly  
7 payroll tax returns (form 941; check register and supporting cash voucher; form  
8 1120 - 1040 or partnership tax returns; and general ledger (portion relating to  
9 payroll audit).

10 2. To the extent the motion seeks judgment against defendant in the total amount  
11 of \$36,196.22, consisting of principal contributions in the amount of \$15,493.77,  
12 liquidated damages in the amount \$1050, interest in the amount of \$10,207.12, attorneys'  
13 fees in the amount of \$8532.50, and costs in the amount of \$912.83, the motion is  
14 GRANTED.

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16 Dated: December 9, 2014

Richard W. Wieking, Clerk

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18 By: Tracy Lucero  
19 Deputy Clerk  
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